

REMARKS

According to the Restriction Requirement, election of one of the following inventions is required under 35 U.S.C. §121:

- I. Claims 1-7, drawn to a rubber compound containing a rubber and a particle of polybutadiene rubber, and
- II. Claims 8-16, drawn to a tire component comprising a rubber compound of Group I.

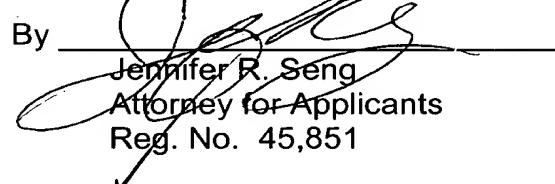
Applicants elect Group I, with traverse. Applicants respectfully traverse the Restriction Requirement. Under 35 U.S.C. § 121 an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and are independent and distinct inventions. See MPEP 803. Applicants respectfully submit that if the search and examination of the entire application can be made ***without serious burden***, the Examiner must examine the application on its merits, even though it includes claims to independent and distinct inventions. See MPEP 803.

Claims 1-7 are directed to rubber compounds comprising at least one double-bond containing rubber (A) and particles of polybutadiene rubber with a glass transition temperature of <-60°C (B), whereby component (B) is present in quantities of 10 to 150 wt.%, relative to the total quantity of component (A) and optionally other fillers and rubber auxiliary substances in conventional quantities. Claims 8-16 are directed to tire component comprising the rubber compositions of Claim 1.

Applicants respectfully submit that a single search encompassing Groups I and II and directed to the claimed rubber compounds could be performed. Also, Applicants submit that any additional search would not entail any "serious burden" on the Examiner, as the rubber compound is the essential element to both Groups.

Accordingly, Applicants request withdrawal of the Restriction Requirement from Groups I and II.

Respectfully submitted,

By 
Jennifer R. Seng
Attorney for Applicants
Reg. No. 45,851

Bayer Corporation
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-8356
FACSIMILE PHONE NUMBER:
(412) 777-8363
s:\kgb\jrs105res